



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU**

**CAUSE NO. 44 OF 2016**

**RAYMOND KOMEN.....CLAIMANT**

**v**

**THE COUNTY GOVERNMENT OF NAKURU...1<sup>st</sup> RESPONDENT**

**KINUTHIA MBUGUA.....2<sup>nd</sup> RESPONDENT**

**RULING**

1. The Court awarded the Claimant Kshs 2,016,428/80 in a judgment delivered on 11 March 2016.
2. On 22 March 2016, the Claimant filed a motion seeking
  - 1.
  2. THAT pending the inter partes hearing of this application, the court issues an order nisi restraining the respondent herein from withdrawing monies deposited in the following accounts  
Co-operative Bank Account number..... 01141521630800  
Kenya Commercial Bank account number..... 1140746057  
National Bank account number 010011065283400.
3. THAT upon the interpartes hearing of this application, the court directs that the deposits in any accounts referred to hereinabove be attached to satisfy the judgment issued by this court on 11<sup>th</sup> March 2016 together with costs and interest.
4. ....
3. The Court directed the motion to be served and set 1 April 2016 as *inter partes* hearing date.
4. The Respondents did not attend Court on 1 April 2016. On record was an affidavit of service attesting to service of the application upon the firm of Hari Gakinya & Co. Advocates.
5. The Claimant in brief submissions urged the Court to allow the application.

6. The Court has considered the application and order 23 of the Civil Procedure Rules upon which the application is anchored and is satisfied that order 2 as sought ought to be granted but only upto the tune of Kshs 2,016,428/80.

7. The Court therefore

1. grants order 2 with a directive that an order nisi do issue
2. orders that the instant application and today's orders be served upon the Respondents and garnishees
3. the Respondents/garnishes file any requisite papers before 20 April 2016
4. Further proceedings on 27 April 2016.

8. Costs in the cause.

**Delivered, dated and signed in Nakuru on this 8<sup>th</sup> day of April 2016.**

**Radido Stephen**

**Judge**

**Appearances**

For Claimant            Mr. Githui instructed by Githui & Co. Advocates

For Respondents      Hari Gakinya & Co. Advocates

Court Assistant        Nixon



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